IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.491 OF 2004
IN
WRIT PETITION NO.19 OF 1998

Parekh Marine Agencies
Pvt. Ltd. ..Petitioners.

Vs.

The Board of Trustees of
the Port of Mumbai ..Respondents.

Mr.V.K.Ramabhadran, Advocate for the Petitioners.

Mr.A.D.Fagade, Advocate for the Respondents.

Mentioned. Not on Board.

CORAM: S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.

DATED: 13TH SEPTEMBER, 2004

P.C. :

Heard the learned counsel for the Petitioners and the learned counsel for the Respondents.

2. By this Notice of Motion the Petitioners are seeking re-call of our order dated 1st September, 2004 whereby the above Petition was dismissed for default. We have perused the affidavit in support of the Notice of Motion. Sufficient cause is made out. There is no cause of inaction, negligence or want of

bonafide.

3. In the aforesaid facts and circumstances, we re-call our order dated 1st September, 2004 and restore the above Writ Petition on file subject to the condition that the Petitioners shall pay a sum of Rs.1000/- to the Maharashtra State Legal Services Authority as cots within a period of two weeks from today, condition precedent.

4. Place the Writ Petition on board for final hearing on 4th October, 2004.

The Notice of Motion stands disposed of.

Parties to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer of this Court.

(S.Radhakrishnan, J.)

(S.J. Vazifdar, J.)